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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,025	12/29/2000	Glen E. Shires	P273232 P10168	6430

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EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 01/14/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/750,025

**Applicant(s)**

SHIRES, GLEN E.

**Examiner**

Quynh H Nguyen

**Art Unit**

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8 and 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 103***

2. Claims 1, 3-8, and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare et al. (U.S. Patent 6,049,602) in view of Bateman et al. (U.S. Patent 5,884,032) and further in view of Kohler (U.S. Patent 5,721,770).

Regarding claim 1, Foladare et al. teach each agent enters an agent ID at an agent station (col. 5, lines 11-24); detecting, by a telephony server ("VRU 36"), DTMF tones ("touch tone signals" - col. 5, line 15) resulted from the agent ID entered by the agent, the DTMF tones encoding the agent ID (col. 6, lines 14-30).

Foladare et al. do not teach the routed call is a requested callback call and identifying a problem; and selecting the agent based on the problem.

Bateman et al. teach a user issues a request for a call-back (col. 6, lines 1-30). However, Bateman et al. do not teach identifying a problem and selecting the agent based on the problem.

Kohler teaches an ACD system 101 are a set of call queues; each call queue 121-129 corresponds to a different agent skill. Calls incoming to the call center are assigns by call vector 140 to different call queues 121-129 based upon the agent skill that they require for their proper handling (col. 3, line 61 through col. 4, line 28) reads on claimed "selecting the agent based on the problem"; and it would have been obvious

that prior to assign the incoming call to different call queues, the problem needs to be identified in order to assign the customer to the agent queue with the right skill to handle the problem.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features mentioned above, as taught by Bateman and Kohler, into Foladare's system in order to provide customer service support, and more particularly to a call back system wherein the customer does not have to wait on hold to speak to an agent; and the problem is identified so that the agent can efficiently handle customer's problem and to avoid customer's frustration.

Regarding claims 3, 4 and 7, Bateman et al. teach a user issues a request for a call-back from a web page via a browser (col. 6, line 1-30); receiving the request from the user and placing a call to a call center (col. 6, lines 31-35); routing the call and the customer is connected to the agent (col. 6, lines 52-60).

Regarding claim 5, Bateman et al. teach bridging a callback between the agent and the user (col. 6, lines 52-60 and col. 10, lines 58-67).

Claim 6 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Foladare et al. teach the system comprising: a call center (col. 1, lines 60-63); at least one agent station (Fig. 1, 60) connecting to at least on agent and the call center (col. 2, lines 42-57), telephony server (VRU 36) also stores caller responses (col. 3, lines 8-10), for example, call back telephone numbers, caller's problems.

Foladare et al. do not teach a telephony server for receiving a request for a call-back from a user, placing a call to the call center, detecting when agent is available, and placing the call-back from the agent to the user.

Bateman et al. teach a user issues a request for a call-back from a web page via a browser (col. 6, line 1-30); receiving the request from the user and placing a call to a call center (col. 6, lines 31-35); routing the call and the customer is connected to the agent (col. 6, lines 52-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that placing a call-back from the agent to the user only when an agent is available, otherwise if the agent is not available then the customer has to wait in queue in order to get help and that would defeat the purpose of call-back feature.

Regarding claim 8, Foladare et al. teach a personal computer (Fig. 1, 14).

Claims 11-15 are rejected for the same reasons as discussed above with respect to claims 1-5. Furthermore, Bateman et al. teach several computer hardware and software configurations are needed (col. 11, lines 13-40), and Foladare et al. suggest a data communications network, for example, Web page, Telnet page, etc... to set up his system and the computers used by users and agents may include a processor, memory, a modem and a monitor or display with a web browser such as Netscape Navigator.

Claims 16 and 17 are rejected for the same reasons as discussed above with respect to claims 1, 5, and 6.

Regarding claim 18, Bateman et al. teach initiating a co-browsing session between the available agent and the customer (col. 6, lines 55-60).

Regarding claims 19 and 20, Bateman et al. teach the agent and customer are viewing the same multimedia screen, and the agent can take order and/or provide technical support (col. 6, lines 55-60), for example, customer billing information, and therefore the customer's web page is available to the agent.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 3-8, and 11-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen  
January 5, 2004



AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600